

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|-----------------------------|---|--------------|
| SUNLIGHT ELECTRICAL | : | CIVIL ACTION |
| CONTRACTING CO., INC. | : | |
| | : | |
| v. | : | |
| | : | |
| JOHN J. TURCHI, JR., et al. | : | NO. 08-5834 |

ORDER

AND NOW, this 13th day of September, 2011, upon consideration of defendant Carriage House Condominiums, G.P., Inc.'s notice of removal (docket entry # 1), which included as an exhibit plaintiff's complaint (Exhibit B to docket entry # 1), defendants' answer to plaintiff's complaint (docket entry # 5), defendants' motion for judgment on the pleadings (docket entry # 35) and exhibits thereto (docket entry # 36), plaintiff's response in opposition to defendants' motion (docket entry # 39), and defendants' reply in support of their motion (docket entry # 43), and in accordance with the accompanying Memorandum, it is hereby ORDERED that:

1. Defendants' motion for judgment on the pleadings (docket entry # 35) is GRANTED IN PART;

2. Turchi Properties is DISMISSED as a defendant;

3. Counts VIII-XII, XIV-XVI, XVIII, and XIX are DISMISSED insofar as they state claims for breach of contract and unjust enrichment based on invoices that, on their face, made

payment due before May 30, 2004;

4. Counts IV, V, XII, XVI, and XIX of plaintiff's complaint are DISMISSED insofar as they assert claims for unjust enrichment against John J. Turchi, Jr., and Turchi, Inc.;

5. Counts VII, XIII, XVII, and XX of plaintiff's complaint are DISMISSED insofar as they assert claims for veil-piercing against John J. Turchi, Jr.;

6. Counts IV, VI, and XV of plaintiff's complaint are DISMISSED insofar as they assert breach of contract claims against Turchi, Inc.; and

7. By September 26, 2011, the plaintiff shall FILE a brief, not to exceed ten pages, explaining why its complaint states claims under the Pennsylvania Contractor and Subcontractor Payment Act against Turchi, Inc. in Counts IV, VI, and XV.

BY THE COURT:

___\s\Stewart Dalzell